

REMARKS

A final Office Action was mailed on March 17, 2008. Applicants timely file this Preliminary Amendment together with a Request for Continued Examination (RCE).

Reconsideration of the application is respectfully requested.

I. Status of the Claims

Claims 1 - 4, 6 - 12, 14 - 21 are currently pending.

Claims 6-11 and 14-21 were previously withdrawn from further consideration.

Claims 5, 13, 22 and 23 were previously canceled without prejudice or disclaimer.

Claims 1 and 3 amended without the introduction of new matter. Support is found in, for example, the Specification at page 6, lines 8 - 10 and page 25, line 12 - page 27, line 3.

II. Rejections under 35 U.S.C. § 103

Claims 1-4 12, and 13 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kameo et al. (EP 0 88 791, herein "Kameo"). Applicants submit that the rejection as to previously canceled claim 13 is moot. Applicants amend claim 1 to further clarify the nature of their invention, and respectfully traverse the rejections as to claims 1 - 4 and 12.

In amended independent claim, Applicants claim:

1. An interlabial pad comprising:

an absorbent body; and

a cover body for covering the absorbent body in an enclosing manner,

wherein the interlabial pad has an elongated shape and a substantially elliptical cross section, and has a length under use in a vertical direction that is longer than a length in a horizontal direction and

wherein the absorbent body includes a fiber aggregate in which the fibers are oriented in random directions, the fiber aggregate including:

a first fiber aggregate located on an upper side of the interlabial pad in a vertical direction when the interlabial pad is worn by a wearer, the first fiber aggregate having a first flexural rigidity which is controlled according to a first average fiber length for being deformable upon contacting a vestibular floor of the wearer,

a second fiber aggregate located on a lower side of the first fiber aggregate, the second fiber aggregate having a second flexural rigidity which is controlled according to a second average fiber length for maintaining a shape of the second fiber aggregate for retaining absorbed body fluids, and

a third fiber aggregate located on a lower side of the second fiber aggregate and on a lower side of the interlabial pad, the third fiber aggregate having a third flexural rigidity which is controlled according to a third average fiber length for being deformable upon receiving an external impact ,

wherein the first fiber aggregate, the second fiber aggregate and the third fiber aggregate are free of any adhesive agent or pressing applied to any of the first fiber aggregate, the second fiber aggregate and the third fiber aggregate, and are covered by the cover body, such that ends of the cover body are affixed on the third fiber aggregate,

wherein each of the first average fiber length and the third average fiber length is between 25 mm and 50 mm, and the second average fiber length is between 3 mm and 4 mm,

wherein spaces between fibers in the first fiber aggregate and the third fiber aggregate are more flexibly varied than spaces between fibers in the second fiber aggregate,

wherein the flexural rigidity of each of the first, second and third fiber aggregates, is measurable as a Gurley bending resistance within a range 25 mg to 130 mg; and a ratio of flexural rigidities in two mutually orthogonal directions for each of the first, second and third fiber aggregates ranges between 0.5 and 2.0, and

wherein the first and third flexural rigidities are less than the second flexural rigidity.

(Emphasis added).

Kameo discloses an absorbent article including a top sheet 2, a back sheet 3, and absorbent body 4 having an absorbent member 6 and an elastic member 7 (see, e.g., FG. 2 of Kameo As noted by the Examiner, Kameo fails to teach an absorbent article having a first fiber aggregate, a second

fiber aggregate, and a third fiber aggregate. The Examiner however suggests that it would have been within the level of ordinary skill at the time of invention based on Kameo to provide the additional aggregate to arrive at the three-aggregate structure as claimed. Applicants respectfully disagree.

Kameo fails to teach Applicants' claimed configuration in which the first fiber aggregate has an average fiber length of between 25 mm and 50 mm, the second fiber aggregate has an average fiber length of between 3 mm and 4 mm, and the third fiber aggregate has an average fiber length of between 25 mm and 50 mm.

Kameo's absorbent member 6, like Applicant's claimed second fiber aggregate, is intended to be the principal layer used for absorbing and retaining fluids. As a result, Kameo's layer 7 is most reasonably compared to Applicants claimed first and third fiber aggregates.

Kameo teaches that an elastic member 7 may preferably have fiber lengths of either 5 or 7 mm, and may preferably not have a fiber length of 51 mm (see, e.g., Comparative Example 1 in Table 1 of Kameo, which has a fiber length of 51 mm and an unacceptable distortion rate of 37 %). In sharp contrast to Kameo, Applicants' claimed first and third fiber aggregates each have an average fiber length that is between 25 mm and 50 mm.

This distinction is not surprising in view of the intended functions of Kameo's absorbent article and Applicants' claimed interlabial pad. Kameo's absorbent article is intended to be externally worn as a sanitary napkin or diaper. As a result, Kameo addresses the problem of maintaining the shape of the absorbent article when subjected to a walking movement of the wearer an underwear liner (see, e.g., paragraph [0099] of Kameo). In Kameo's absorbent article, the elastic member 7 is joined to the absorbent body 6 in order to create a "unitary member" enabling the elastic member 7 to exert a restorative force on the absorbent body 6 for maintaining the absorbent

body 6 in its original shape as the wearer walks (see, e.g., paragraphs [0031], [0046] and [0060] of Kameo).

In sharp contrast to Kameo, Applicants' claimed interlabial pad is internally worn by the wearer and provides a first aggregate and a third aggregate on either side of the second aggregate, such that the first aggregate contacts the vestibular floor of the wearer, and such that the third aggregate provides cushioning in the region protruding from the labia, so that the interlabial pad does not readily fall out of position with the movement of the wearer. Unlike Kameo's absorbent article, Applicants' first and third aggregates are not fixed to the second aggregate for the purpose of maintaining the second aggregate's original shape (as the second aggregate as claimed has a greater flexural rigidity than the first and third aggregates). Rather, the first and third aggregates effectively operate to readily change shape so that the wearer does not perceive the more rigid second aggregate as a "foreign object" (see, e.g., page 24, lines 15 - 19 of the Specification).

Accordingly, for at least these reasons, Applicants respectfully submit that the interlabial pad claimed by amended independent claim 1 is not obvious in view of Kameo, and stands in condition for allowance. As claim 3, which depends from allowable independent claim 1, has been amended to be placed in independent form, Applicants submit that independent claim 3 is also in condition for allowance. As claims 2, 4 and 12 each depend from allowable claim 1, Applicants submit that dependent claims 2 - 4 and 12 are also allowable for at least this reason.

Therefore, Applicants respectfully request that the rejection of claims 1-4 and 12 under 35 U.S.C. §103(a) be withdrawn.

CONCLUSION

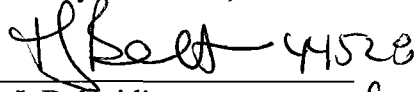
In view of the above amendments, Applicants believe the pending application is in condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

The Examiner is respectfully requested to contact the undersigned at the telephone number indicated below once he has reviewed the proposed amendment if the Examiner believes any issue can be resolved through either a Supplemental Response or an Examiner's Amendment.

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Respectfully submitted,

By


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